

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 03-20032-BC
Honorable David M. Lawson

LEWIS PELTIER,

Defendant.

ORDER DENYING WITHOUT PREJUDICE
DEFENDANT'S MOTION TO SUPPRESS

This matter is before the Court on the defendant's motion to suppress evidence. The Court has reviewed the defendant's submissions and finds that he has not sought concurrence from the opposing party in the relief requested. In addition, the Court finds that the defendant has prepared his motion in single-spaced text, in violation of the Court's format requirements.

E.D. Mich. LR 7.1(a), as made applicable to criminal cases by E.D. Mich. LcrR 12(a), requires a movant to seek concurrence in the relief requested before filing a motion with this Court. If concurrence is obtained, the parties then may present a stipulated order to the Court. If concurrence is not obtained, Local Rule 7.1(a)(2) requires that the moving party state in the motion that "there was a conference between the attorneys . . . in which the movant explained the nature of the motion and its legal basis and requested but did not obtain concurrence in the relief sought [] or . . . despite reasonable efforts specified in the motion, the movant was unable to conduct a conference." E.D. Mich. LR 7.1(a)(2).

The defendant does not state in his motion that concurrence was sought in the relief requested from the opposing party before filing the motion. "It is not up to the Court to expend its

energies when the parties have not sufficiently expended their own.” *Hasbro, Inc. v. Serafino*, 168 F.R.D. 99, 101 (D. Mass. 1996). The defendant has filed his motion in violation of the applicable rules.

E.D. Mich. LR 5.1(a) provides that all papers presented for filing with the Court must be “double-spaced, except for quoted material and footnotes.” The defendant’s motion appears entirely in single-space text, and therefore the defendant has also violated this rule.

Accordingly, it is **ORDERED** that the defendant’s motion to suppress [dkt #81] is **DENIED** without prejudice.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: August 24, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 24, 2006.

s/Tracy A. Jacobs
TRACY A. JACOBS